



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,757	01/22/2002	Rich Baranski	57111-5103	7325

24574 7590 02/12/2004

JEFFER, MANGELS, BUTLER & MARMARO, LLP
1900 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES, CA 90067

EXAMINER

MELWANI, DINESH

ART UNIT PAPER NUMBER

3677

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,757

Applicant(s)

BARANSKI, RICH

Examiner

Dinesh N Melwani

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Art Unit: 3677

DETAILED ACTION

Acknowledgment is made of Applicant's submission of:

Amendment C filed on 10/15/03

The aforementioned item has been noted and officially entered into the application

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/02/03 has been entered.

Drawings

2. The drawings were received on 12/02/03. These drawings are **APPROVED**.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3677

4. Claims 1-10 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell (U.S. Patent No. 1,272,115). For the purposes of examination, claim 1 is treated as being drawn to the sub-combination of an adjustable door guide latch slot assembly and NOT to the combination incorporating the sliding door. Russell discloses an adjustable door guide latch slot assembly as claimed; wherein said assembly comprises a striker plate (6) having a latch opening (12) therein, and a door guide (5) having a channel sized to retain a door slidably, said channel having an inner surface (generally (8)) and having an opening (9) therein with said opening being larger than said striker plate latch opening, whereby said striker plate maybe adjustably affixed to said door guide (5) inner surface so that said striker plate latch opening aligns with said slidable door latch. As it concerns claims 2, 3, and 15, Russell's assembly further comprises a recessed area (8) on said door guide inner surface that is large enough so that said striker maybe placed flat within said recessed area, see Fig. 3. Furthermore, the depth of said recessed area is at least as great as the thickness of said striker plate. As it concerns claims 4-6 and 16, Russell's door guide opening has alignment slots (10) for accommodating various positions of placement of said striker plate against said door guide inner surface. In regards to claims 7-10 and 17, Russell's striker plate (6) has a first set (13) of fastener openings for receiving fasteners to affix said striker plate to said door guide, see Fig. 2.

5. Claims 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth (U.S. Patent No. 5,757,269). Roth discloses an adjustable door guide latch slot assembly as claimed; wherein said assembly includes a striker plate (110) having a latch opening (112) therein; a door guide having a channel (W) sized to retain a door slidably there in, the channel including an outer surface (Z) and an inner surface (Y) with a recessed area larger than said striker plate and

Art Unit: 3677

having an opening therein extending from the inner surface to the outer surface with said opening being larger than said striker plate latch opening; and a security device (12) having a latch receiving port (A), the security device extending out from the outer surface of the door guide, whereby said striker plate maybe placed flat against said door guide inner surface within said recessed area and maybe adjustably affixed to said door guide inner surface so that said striker plate latch opening aligns with said slidable door latch and whereby said security device is affixed to said adjustable striker plate so that said latch receiving port aligns with both said striker plate latch opening and said slidable door latch. As it concerns claim 20, as shown in Figs. 3A & 3B, the depth of said recessed area is at least as great as the thickness of said striker plate, see attached Fig.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (U.S. Patent No. 1,272,115) in view of Roth (U.S. Patent No. 5,757,269). Russell discloses an adjustable door guide latch slot assembly substantially as claimed (as set forth in Paragraph 3 of this Office Action), however, Russell does not include a security device having a latch port for accepting said door latch whereby said security device is affixed to said adjustable

Art Unit: 3677

striker plate to accommodate the position of a door latch. Roth discloses a latch monitor that teaches the use of a security device (12) having a latch port (A) for accepting said door latch whereby said security device is affixed to said adjustable striker plate to accommodate the position of a door latch. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Roth, in regards to security device, to modify Russell to provide verification of the latch bolt being in the proper engaged position, thereby ensuring security of the locking assembly.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth (U.S. Patent No. 5,757,269). Roth discloses a door guide opening substantially as claimed; wherein said door guide comprises holes instead of slots; wherein said holes cooperate with the slots for accommodating various positions of said striker plate against said door guide inner surface. The applicant is reminded that the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (U.S. Patent No. 1,272,115). The method of adjustably aligning a latch slot in a fixed door guide as recited by the applicant in claim 22 is deemed inherent based on the structure of the prior art of record. Since the teachings of the references taken as a whole necessitate the steps described in said method, it would have been obvious to one having ordinary skill in the art at the time the invention was made to carry out the necessary steps described by said method.

Response to Arguments

10. Applicant's arguments filed 10/15/03 have been fully considered but they are not persuasive.

11. The Applicant contends that neither Russel nor Roth anticipates the features present in the currently amended claims to provide "a door guide having a channel sized to retain a door slidably therein." Specifically Russell fails to teach the provision of a door guide, on which the adjustable door guide latch slot assembly is mounted, that includes a channel or groove to hold the door and allow the door to slidably move therein. The Examiner respectfully disagrees. As discussed in the above rejection, both Russell and Roth discloses a channel with the meaning the Applicant's claims. Furthermore, in response to applicant's argument that neither reference discloses a channel "to hold the door and allow the door to slidably move therein," a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

Art Unit: 3677

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM



WILLIAM L. MILLER
PRIMARY EXAMINER

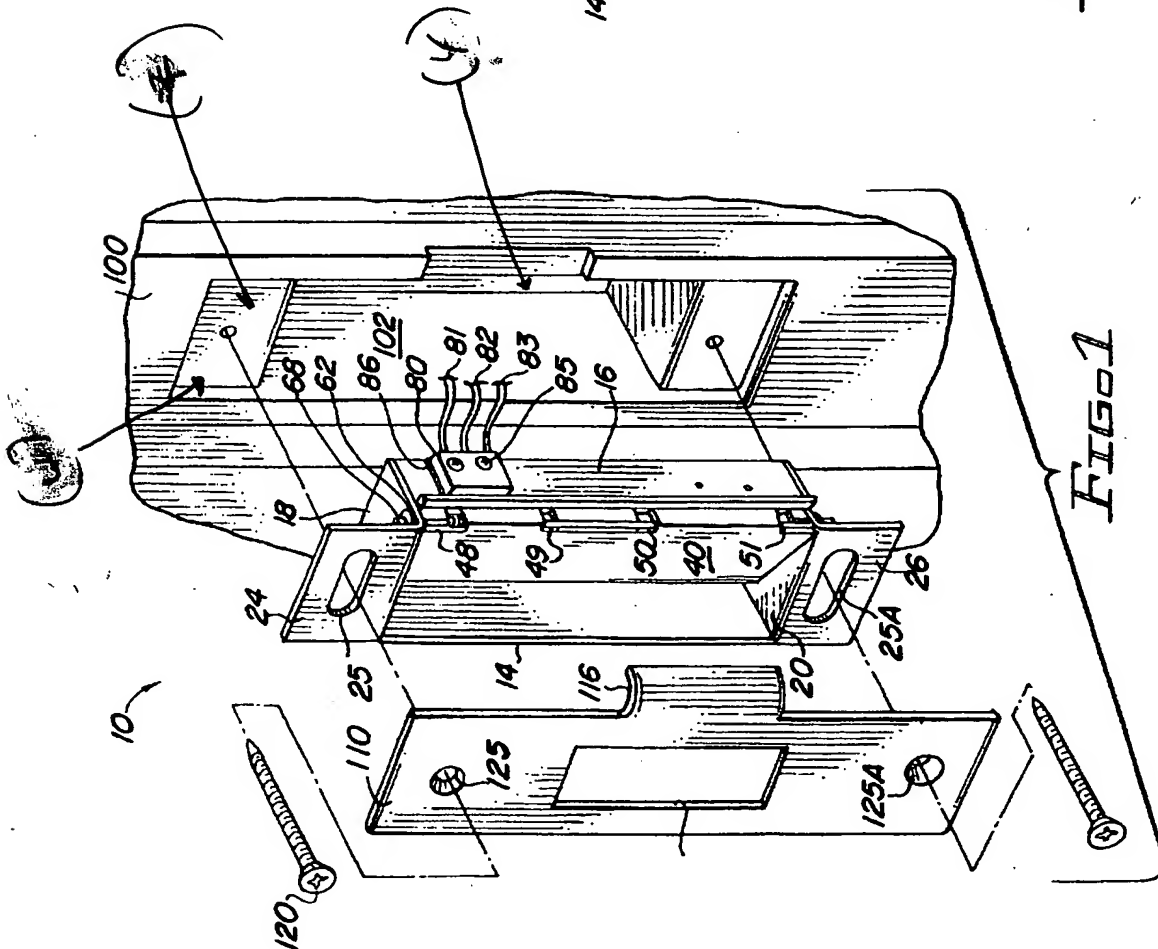


FIG. 5

FIG. 4

FIG. 1